

The IEP Process

“From Referral to Development”

Office of the State Superintendent of Education
Division of Educational Excellence
Training and Technical Assistance

Facilitators:
Charlene Roach-Glymph

Agenda

- Brief Overview of Special Education
- Review of the IEP Process
 - Referral
 - Evaluations
 - Eligibility
 - IEP Development
- IEP Case Study

Essential Question:


How can we ensure that students with special needs receive a Free and Appropriate Public Education within the Least Restrictive Environment?

Session Objectives:

- Identify the five steps of the initial evaluation process.
- Understand the process for determining eligibility.
- Identify the required components of an IEP.
- Develop an appropriate IEP as a member of the IEP team.

What does Special Education mean to you?

Identify 4-5 adjectives that you would use to describe what special education means to you...



What is Special Education?

Special Education

- is designed to meet the unique needs of a child
- adapts what a child learns and how they learn it
- is a process of determining what is appropriate for each child and providing it in a meaningful way

Individuals with Disabilities Education Act (IDEA)

- Federal law requires public schools to provide special education to children who are eligible.
- It states that all children are required to have a “**Free and Appropriate Public Education**” (FAPE)

The Initial Evaluation Process has five steps:

1. Initiate the process
2. Review existing data and determine what additional data are needed
3. Obtain informed written consent
4. Conduct the evaluation
5. Prepare for eligibility determination

Referral Process



How can a student be referred for Special Education evaluations?

Parent Referral

- Parent should provide **written request** for testing
- Timeline begins once request has been received
- LEA has 10 days to notify the parent that it either intends to, or refuses to, evaluate the child to determine eligibility. This notice must describe why the LEA is proposing or refusing to take the action.
- Team will review all student data and determine what areas should be evaluated
- Assessments completed within 60 days
- Team reconvenes to review results of testing and discuss eligibility

** LEA should document the date the request was received*

Teacher/School Referral

- Teacher or School staff refer student to the Student Support Team (SST)
- SST convenes with parent and teachers to discuss student concerns including strengths and weaknesses
- SST develops intervention plan
- SST implements, monitors, and evaluates plan
- SST makes referral to special education department
- Parent notified in writing
- Team will review all student data and determine what areas should be evaluated
- Assessments completed within 60 days
- Team reconvenes to review results of testing and discuss eligibility

Procedural Safeguards

A copy of the Procedural Safeguards must be given to parents, at a minimum;

- ☑ at initial referral for evaluation
- ☑ In accordance with discipline procedures
- ☑ Upon parent request
- ☑ when complaints are filed.

Child Find



“All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated”

What Every Teacher Should Know About IDEA 2004 Laws and Regulations pg. 26
300.111 Child find (a)(1)(i)

Review Existing Data and Determine What Additional Data is Needed

- Previous Assessments including *benchmarks, teacher made tests, school-wide screening tools, outside evaluations*
- Information Provided by the Parent
- Classroom Based Observations
- Information from SST
- Performance on Standardized Tests

**Children must be assessed in all
areas of suspected disability..**

300.304 Evaluation Procedures (c)(4)



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Referral Case Study

15 Minutes



Informed Written Consent



Informed Written Parental Consent

- The LEA must make “reasonable attempts” to contact the parent prior to evaluation and obtain consent.
- The parent must be informed of the areas of concern in which it plans to evaluate the child and must agree in writing to evaluation in each area of concern.
- The explanation must be given in the parent’s native language.

What Every Teacher Should Know About IDEA 2004 Laws and Regulations pg. 67
300.300 Parental Consent (a) (1) (ii)

Informed Written Parental Consent

- The parent has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language, or other mode of communication.
- The parent understands and agrees in writing to the proposed activities for which his or her consent is being requested.
- The parent understands that providing consent is voluntary and may be revoked at anytime.

Informed Written Parental Consent

continued

The consent form should list the areas of concern:

- Mathematics
- Reading
- Written Expression
- Adaptive-Daily Living Skills
- Hearing
- Vision
- Communication/Speech and Language
- Emotional, Social and Behavioral Development
- Health/Physical
- Motor Skills/Physical Development

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Evaluations

Evaluation

Evaluations must be “full and individual,” and must be designed to determine the child's educational needs, not just the eligibility issue.

What Every Teacher Should Know About IDEA 2004 Laws and Regulations pg. 69
300.301 Evaluation (a) (b) (c)

Evaluation vs. Assessment

Evaluation

- Total process of collecting data which is used to determine a child's eligibility for special education and related services
- Is always a team process between the school and parent

Assessment

- The procedure of collecting the information to be used in the evaluation process
- Assessments reports are often referred to as assessments.

IDEA and Local Law

Requires:

- The use of a variety of tools and strategies to gather relevant functional, developmental, and academic information
- The use of technically sound instruments
- That tests are selected in a non-discriminatory fashion and in the child's native language
- That tests are used for purposes for which they are intended, and are valid, reliable, and administered by a trained and knowledgeable professional.

IDEA and Local Law

continued

Requires:

- Test/evaluation materials be tailored to the areas of concern not merely designed to measure a specific intelligence quotient.
- Test/evaluation materials measure performance in the area of concern, not language, sensory or speaking skills (unless those skills are the area of concern).



Evaluation Case Study

10 Minutes



What assessments does Casey Need?

With your table review the data to decide what assessments should be completed to determine if Casey has a disability

Casey's Assessments

- Psychological
- Educational
- Clinical
- Vision and Hearing Screenings

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Eligibility

What is an Eligibility Determination?

- A determination, made by qualified professionals and the parent(s) of whether a child is a child with a disability and there is a need for special education (specially designed instruction) and related services.

*What Every Teacher Should Know About IDEA 2004 Laws and Regulations pg. 74
300.306 Determination of Eligibility (a) (1)*

- Eligibility *should* be determined using a problem-solving model which incorporates interventions, practical measurement methods (such as curriculum-based), and evaluations as a result failed of interventions.

[Washington State Association of School Psychologists Professional Practices Standards Guidelines in Defining Need for Special Education Services]



Determining Eligibility

- Special Education eligibility is now a three-part process
- To determine eligibility and educational need of a student and IEP Team must:
 - Draw upon information from a variety of sources
 - Conclude whether or not all the formal and informal information satisfies the three rules of eligibility:
 - Presence of disability(ies)
 - Disability(ies) have an adverse impact on educational performance
 - Disability(ies) require specially designed instruction
 - Rule out lack of appropriate instruction in reading and/or math and Limited English Proficiency.

Presence of Disability

- The presence of a disabling condition is determined by qualified personnel, typically a school psychologist and other (related) service providers.
- Information from the SST process (interventions and progress monitoring), medical and social information will also be used to determine the presence of disabling conditions.

Adverse Effect on Educational Performance

- Determining the adverse effect on educational performance can be an arduous task. However, this is critical to determining eligibility.
- IEP Teams must:
 - describe how the student's disability(ies) affects the student's involvement and progress in the general education curriculum
 - establish a *direct relationship* between the disabling condition(s) and adverse effect on educational performance

Indicators of Adverse Effect

- **Presenting problem or behaviors have not been responsive to general education interventions**
 - Student skill improvement is resistant to accommodations of instruction, curriculum and environment
 - Lack of “responsiveness” to intervention is reflected by lack of change in skill levels, lack of skill development
 - Instructional and curricular accommodations have not alleviated behavioral concerns
 - Providing exposure or experience does not alleviate limitations in adaptive skill areas
 - Student performs below peers and
 - Student demonstrates a learning rate that is substantially below peers

Indicators of Adverse Effect, continued

- A Record Review is necessary to determine if current problems have existed over a period of time.
 - Concerns are long-lasting or pervasive
 - Work Samples may show interference from behavioral, emotional or academic concerns
 - Records indicate a history of behavioral difficulties (such as office referral, suspensions, expulsions or behavior plans) OR academic difficulties (failing grades, retention, remediation or previous referrals)

Specially Designed Instruction

- Specially Designed Instruction:
 - Is designed to meet the unique needs of the child (resulting from the disability)
 - Ensures the child has access to the general education curriculum so the student can meet the district's educational standards
 - Is a well-planned and organized set of instructional activities which adapt, as necessary, to the needs of the student, the content, methodology and delivery of instruction.

Areas of Eligibility

- Students meeting the above eligibility requirements may be eligible for one (or more) of 13 disability categories under IDEA:
 - Autism (Autism Spectrum Disorder)
 - Developmental Delay
 - Deaf-Blindness
 - Emotional Disturbance
 - Hearing Impairments (including Deafness)
 - Intellectual Disabilities
 - Multiple Disabilities
 - Orthopedic Impairments
 - Other Health Impairments
 - Specific Learning Disabilities
 - Speech Language Impairments
 - Traumatic Brain Injury
 - Visual Impairments (including Blindness)

Related Services

- Related Services are those services such as developmental, corrective and other supportive services required to assist as student with a disability to benefit from Special Education.

Related Services Eligibility

- Students must also meet eligibility criteria for related services.
- The same group of qualified professionals and parent determine whether a student requires a particular related service model to *benefit* from special education services.
 - Related services are not provided to maximize a student's potential.

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Eligibility Case Study

Individual Education Program



Individualized Education Program (IEP)

- The IEP is a written statement for a child with a disability that is developed, reviewed, and revised.
- The IEP Team is a group of individuals that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

IEP Team Members

Required Members

- Parents of the child
- One regular education teacher of the child (if the child is participating in the regular education environment)
- One special education teacher *of the child*
- A representative of the public agency
- An individual who can interpret the evaluation results

Members When Appropriate

- At the discretion of the parent or agency, other individuals who have knowledge or expertise regarding the child
- Whenever appropriate, the child
- Transition services participants

Timeline for the Development of the IEP



For a child ***NEW*** to special education the IEP must be developed within 30 days from the date of eligibility determination.

Scheduling

- The IEP meeting must be scheduled at a mutually agreed upon time and place that is convenient for parents and other team members attending.
- A parent is entitled to a ***10 day written notification*** of the IEP meeting to include purpose, time, location and attendees.

IEP Requirements

In development of the IEP, the IEP Team must consider:

- The strengths of the child
- The concerns of the parents
- The results of the initial or most recent evaluation of the child and the academic, developmental and functional needs of the child

Additional requirements

- Positive behavior supports and interventions
- Assistive technology or devices
- Related services
- Language needs

Required IEP Components

- A statement of the student's present levels of academic and functional performance. This statement must include how the disability affects the child's involvement and progress in the general curriculum.
- A measurable annual goals (academic and functional) which are designed to meet the student's needs and enable him to be involved and make progress in the general curriculum.
 - i. Annual goals should align to the present levels of academic and functional performance.
 - ii. Annual goals should align with the general education curriculum standards
- Benchmarks and/or short-term objectives.
- A description of how progress towards meeting the annual goal will be measured.
- A statement of the special education and related services and supplementary aids and services, based upon peer-reviewed research to the extent practical, to be provided to the student, on behalf of the student or supports for school personnel what will enable the student to progress.
- The extent, if any, to which the student will not participate in the general education environment with non-disabled peers.
- A statement of individual accommodations and/or modifications necessary to provide the student with equitable access to instruction and assessments.
- The projected beginning and end dates of the services outlined above, including anticipated frequency, location and duration of services.

Transition

Beginning not later than the first IEP to be in effect when the child turns ***sixteen (16)***, or younger if determined appropriate by the IEP Team and updated annually, thereafter, the IEP must include:

- Appropriate measurable goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and
- The transition services (including courses of study) needed to assist the child in reaching those goals.

When a child turns 18

- Beginning not later than one (1) year before the child reaches 18, unless the child with a disability has been determined to be incompetent under District law, the IEP must include a statement that the child has been informed of the child's rights under IDEA, if any, and that rights **WILL** transfer to the child.

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Least Restrictive Environment LRE

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Least Restrictive Environment (LRE)

- LRE is an appropriate special education placement in which students with disabilities are educated, ***to the maximum extent appropriate***, with children who are not disabled.
- A child may only be removed from the regular educational setting if the nature or severity of the disability is such that the child cannot be educated in the regular classes, even with use of supplementary aids and services.

Least Restrictive Environment (LRE)

continued

- A child with a disability ***should not be*** removed from education in age-appropriate regular classrooms ***solely*** because of needed modifications in the general education classroom, student's disability, language and communication needs, space availability, and administrative convenience.

Question?



Should a student be placed in a separate classroom before being placed in a general education classroom?

Answer

A child may only be removed from the regular educational setting if the nature or severity of the disability is such that the child cannot be educated in the regular classes, even with use of supplementary aids and services.

Placement Decision

- Determined at least annually
- Is based on the child's IEP
- And is as close as possible to the child's home

LRE cont'd

- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of the services that he or she needs.

LRE relates to the setting WHERE a student with a disability receives special education services, and how much TIME is spent in those settings, NOT WHAT SERVICES a student will receive.

Placement is *NOT*...

- The location of services. Location is the particular school the child will attend after LRE has been determined.
- The number of hours for special education services the child receives
- The category of disability
- The severity of disability
- The language or communication needs or
- Needed modification to the general education curriculum

Question

When should the IEP Team discuss the location or school the student will attend?

Answer

Location is the particular school the child will attend ***AFTER*** LRE has been determined.

Placement Options

- **General Education** – Special education services can be provided in the general education setting.
- **Combination**– Student requires half-time services in both the general education and special education setting.
- **Out of General Education** – Student requires full-time instructional and/or supportive services out of the general education classroom.



What have you learned?

Post Test



Contact Information

- Charlene Roach-Glymph
Training and Technical Assistance
Specialist-Least Restrictive Environment and
Inclusive Practices
charlene.roach-glymph@dc.gov
202.741.5944